

	JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 3-JTS-1A-28 3-JDF-1A-32 3-JCRF-1A-19 1-JDTP-1A-25 1-JPAS-2-7022
CHAPTER: Administration		AUTHORITY: KRS 15A.065
SUBJECT: Legal Assistance for Department of Juvenile Justice Staff		
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APPROVAL: J. Ronald Haws		COMMISSIONER

I. POLICY

Employees of the Department of Juvenile Justice shall be provided with adequate and appropriate legal advice and assistance in the performance of their duties and with legal representation in all civil actions arising from legitimate performance of those duties.

II. APPLICABILITY

This policy shall apply to all DJJ employees.

III. DEFINITIONS

- A. "Administrative Manager" means an employee within an organizational unit of the Department of Juvenile Justice (DJJ) with supervisory responsibility for carrying out the mission and policies of the Department within that unit. This term shall include Division Director, Assistant Director, Facilities Regional Administrator, Juvenile Services Regional Manager, Branch Manager, Justice Program Supervisor, Superintendent and Juvenile Services District Supervisor.
- B. "Counsel" means a legal advisor, lawyer, or counselor-at-law.
- C. "Legal Performance" means actions conforming to the positive rules of law or permitted by law.
- D. "Statute" means a law passed by a legislative body and set forth in a formal document.

IV. PROCEDURES

A. Counsel Availability

- 1. The Office of General Counsel shall be available for advice, consultation and representation of employees of the Department for the following:

POLICY NUMBER DJJ 122	ISSUE DATE 09/13/10	EFFECTIVE DATE 09/13/10	PAGE NUMBER 2 of 3
--	--------------------------------------	--	-------------------------------------

- a. Legal actions against the agency or institution;
 - b. Court decisions;
 - c. Youth rights;
 - d. Civil legal actions against Department employees for actions taken during the legal performance of their duties;
 - e. Personnel actions;
 - f. Administrative hearings.
2. The Office of General Counsel shall not be available for advice, consultation or representation of Department employees when the defense of the employee creates a conflict of interest between the Department and the employee or former employee or for criminal action taken against them.

B. Legal Advice

Consultation shall be available to provide advice on policy information, court requirements, and operational matters.

C. Requests for Legal Assistance

1. Requests for advice or representation shall be directed to the Administrative Manager.
 - a. The Administrative Manager shall forward the request with any comments or recommendations through channels to the appropriate Deputy Commissioner, who shall review the request and forward it to the Office of General Counsel.
 - b. Adequate background information and the reason for the request shall also be forwarded to the Office of General Counsel.
2. Department employees may make inquiries for legal advice directly to the Office of General Counsel when situations arise which require immediate legal counsel.
 - a. When making such requests, reasons for the assistance requested and the advice given shall be documented in writing by the employee or his supervisor.
 - b. A copy shall be forwarded to the Office of General Counsel.

D. Evaluation of Requests for Legal Assistance

1. The Department shall provide appropriate representation to all Department employees legitimately conducting their duty.

POLICY NUMBER DJJ 122	ISSUE DATE 09/13/10	EFFECTIVE DATE 09/13/10	PAGE NUMBER 3 of 3
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2. If evidence indicates the employee's conduct was negligent, illegal or outside his scope of authority, legal representation may be denied as per KRS 12.212.
3. Upon the denial of legal representation, the Office of General Counsel shall provide the employee a written decision outlining the reason for the denial.

E. Routing of Summons or Law Suits

1. Upon receipt of a summons or law suit, Department employees shall adhere to the following procedure:
 - a. The staff member against whom the summons or lawsuit is directed shall sign the receipt and place the date, time of receipt and signature on the document.
 - b. Immediately upon receipt of the summons or lawsuit, copies shall be made with the original being mailed to the Office of General Counsel and, at facilities, notice given to the Superintendent or designee.
2. The Office of General Counsel or a designated staff person may receive a summons or lawsuit for an employee of the Department. In those instances the following procedure shall be used:
 - a. The staff member who receives the summons or lawsuit shall sign the receipt and place the date, time of receipt and sign name on the front of the document.
 - b. Immediately upon receipt of the summons or lawsuit, copies shall be made with the original mailed to the Office of General Counsel and a copy forwarded to the staff member to whom the summons or lawsuit is directed.

V. MONITORING MECHANISM

The activities of the Office of General Counsel shall be monitored by the Commissioner.